

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q81536
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/849,185	Filed May 20, 2004
	First Named Inventor Marcel Joseph Louis MAMPAEY	
	Art Unit 2157	Examiner El Hadi Malick SALL
	WASHINGTON OFFICE 23373 CUSTOMER NUMBER	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal		
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
<input checked="" type="checkbox"/> I am an attorney or agent of record.		
Registration number <u>59,043</u>		<u>/Mark E. Wallerson/</u> Signature
<u>Mark E. Wallerson</u> Typed or printed name		
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<u>August 21,2008</u> Date		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q81536

Marcel Joseph Louis MAMPAEY, et al.

Appln. No.: 10/849,185

Group Art Unit: 2157

Confirmation No.: 7244

Examiner: El Hadi Malick SALL

Filed: May 20, 2004

For: METHOD FOR SELECTING AN APPLICATION SERVER, A RELATED CALL SESSION CONTROL NETWORK ELEMENT, A RELATED PRIMARY APPLICATION SERVER AND A RELATED CALLED USER TERMINAL

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated April 24, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-10 remain rejected under 35 U.S.C. § 12(e) as allegedly being anticipated by Ejzak (U.S. Patent No. 6,954,654). Applicant respectfully traverses the prior art rejections.

In the previous Amendment filed on February 7, 2007, Applicant submitted that there is no teaching or suggestion in Ejzak of the feature "said call session control Network element (CSCF) upon intercepting said incoming IP multimedia call activating a dedicated primary application server (AS_{Prim})", as recited in independent claim 1 and analogously recited in independent claims 3, 5, and 9. Applicant argued that, although the Examiner cited column 13,

lines 8-11 of Ejzak as allegedly disclosing this feature of the claim, this cited portion of Ejzak merely discloses that the CSCF may send standard session initiation protocol (SIP) signaling to one or more application servers in the network. Applicant respectfully submitted that this disclosure of Ejzak does not read on the claimed feature.

In response, the Examiner asserts:

In column 13, lines 8-16, Ejzak discloses to provide the features and services indirectly, the S-CSCF sends standard SIP signaling to one or more application servers in the network...the S-CSCF (i.e. A Serving-CSCF (S-CSCF) is the central node of the signaling plane. It is a SIP server, but performs session control too. It is always located in the home network. It uses DIAMETER Cx and Dx interfaces to the HSS to download and upload user profiles - It has no local storage of the user. ²

Applicant respectfully disagrees with the Examiner's position. Although not clear, the Examiner appears to read the claimed call session control Network element (CSCF) on the CSCF 143 of Ejzak. Ejzak discloses that the CSCF 143 can act as a Serving-CSCF (S-CSCF), which is the session control point for the user equipment 111 (column 10, lines 25-34). Ejzak also discloses that the S-CSCF may receive and process SIP-level subscriber registrations, provide session control for registered endpoint sessions, and provide service triggers for services platforms (column 11, lines 1-6). Additionally, Ejzak discloses that the S-CSCF may send standard SIP signaling to one or more application servers in the network (column 13, lines 8-11). However, Applicant respectfully submits that there is no teaching or suggestion in Ejzak

² Pages 6-7 of the Office Action dated April 24, 2008.

that the CSCF or S-CSCF “upon intercepting said incoming IP multimedia call activating a dedicated primary application server”, as recited in the claims.

In the previous Amendment, Applicant submitted that there is no teaching or suggestion in Ejzak that “said primary application server (AS_{Prim}), upon analysis of said incoming IP multimedia call presenting said incoming IP multimedia call to said called party terminal (CDPT) together with a set of service applications for answering said incoming call, said set of service applications being determined in said analysis”, as recited in the claims. Applicant submitted that although the Examiner cited column 13, lines 11-18 of Ejzak as allegedly disclosing this feature of the claim, this cited portion of Ejzak merely discloses, as discussed above, that a Serving CSCF (S-CSCF) provides features and services for user equipment through application servers.

In response, the Examiner asserts:

In column 13, lines 8-18, Ejzak discloses provide the features and services indirectly, the S-CSCF sends standard SIP signaling to one or more application servers in the network. Although the exemplary embodiment describes the case where the S-CSCF directly provides features and services, the procedures described here also apply, with minor modifications, when the S-CSCF provides features and services for the UE indirectly through application servers (i.e. "analysis of an incoming IP multimedia call"). The PSTN delivers (414) phone calls destined for a UE ("call party terminal") that can be registered for service with an IMS (IP multimedia subsystem) to that IMS (i.e. "presenting the incoming IP multimedia call to a call party terminal").³

³ Pages 7-8 of the Office Action.

Applicant respectfully disagrees with the Examiner's position and submits that the Examiner's position is based on a misunderstanding of the cited reference. Nowhere does this cited portion (or any other portion) of Ejzak teach or suggest that a primary server, upon analysis of an incoming IP multimedia call, presenting the IP multimedia call to the called party together with a set of service applications for answering the incoming call, as required by the claims. Ejzak merely discloses that the S-CSCF provides services for registered UEs, but does not send applications for answering the call, along with the call to a called party.

In the previous Amendment, Applicant further submitted that there is no teaching or suggestion in Ejzak of the feature "said call session control Network element (CSCF) receiving a selection of at least one service application from said set of service applications forwarded by said called party terminal (CDPT)", as recited in the claims.

In response, the Examiner asserts:

In column 3, line 66 to column 4, line 9, Ejzak discloses call session control network which perform multiple functions including incoming call gateway (i.e. "receiving a selection of at least one service application"); in column 8, lines 49-54, Ejzak discloses when a mobile unit registers, iMSC server 201 (i.e. "called party terminal") queries DNS 165 to obtain the domain name and subsequently the IP address of the I-CSCF to which it shall forward the registration message. .⁴

Applicant finds the Examiner's position unclear. Column 3, line 66 to column 4, line 9 of Ejzak, which the Examiner appears to cite as allegedly disclosing the claimed feature "said call session control Network element (CSCF) receiving a selection of at least one service

⁴ Page 8 of the Office Action dated April 24, 2008.

application", merely discloses that the CSCF performs multiple functions including incoming call gateway, call control function, serving profile database, and address handling. The CSCF may also perform GMSC Emulation as necessary to support call delivery to IMS-homed subscribers being served by MSC server 152. Nowhere does this cited portion of Ejzak teach or suggest receiving a selection of at least one service application from a set of service applications, much less receiving this service application from a called party, as required by the claims.

The Examiner also appears to cite column 8, lines 49-54 of Ejzak as disclosing this feature of the claim. However, this cited portion of Ejzak merely discloses that when a mobile unit is registered, the iMSC server queries the DNS 165 to obtain the domain name and address of the I-CSCF to which the registration message would be forwarded to. This has little or no relevance to the claimed invention. Applicant respectfully submits that there is no teaching or suggestion in Ejzak of the feature "said call session control Network element (CSCF) receiving a selection of at least one service application from said set of service applications forwarded by said called party terminal (CDPT)", as recited in the claims.

Accordingly, Applicant respectfully submits that independent claims 1-10 should be allowable because the cited reference does not teach or suggest all of the features of the claims.

Respectfully submitted,

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